



**DEPARTMENT OF CORRECTIONS  
MONTANA STATE PRISON  
OPERATIONAL PROCEDURE**

Procedure No.: MSP 3.3.9	Subject: <b>INMATE MARRIAGES</b>		
Reference: DOC Policy No. 3.3.9		Page 1 of 2	
Effective Date: December 1, 1997	Revised: (new effective date) May 13, 2009		
Signature / Title: /s/ Mike Mahoney / Warden			

**I. PURPOSE**

To ensure inmate marriages are legally conducted while ensuring the safety and security of the public, staff, and other inmates.

**II. DEFINITIONS**

None.

**III. PROCEDURES**

Inmates requesting to be married must submit a written request for such to the Security Major who will ensure that all requests are processed.

**A. Qualifications and Processing:**

1. Inmates are required to meet the following qualifications in order to receive consideration for approval:
  - a. Must be classified medium or minimum custody. Maximum or close custody inmates, and those who are housed in administrative segregation, will not be approved.
  - b. Must exhibit clear conduct for a period of six months.
  - c. Must have no criminal or civil record of spouse abuse.
  - d. Must demonstrate that both parties meet all legal qualifications for marriage and that the proposed marriage complies with state laws.
  - e. Must demonstrate that he has the means to finance the costs associated with the ceremony.
2. The Security Major shall review the request with clinical and case management staff and grant or deny the request.

**B. General Requirements:**

1. All expenses, including staff's pay and arrangements associated with the marriage, are the responsibility of the inmate and must be funded through non-state resources.
2. The marriage ceremony must be conducted in compliance with all relevant MSP policies and procedures (entrance, visiting, etc.).
3. Rings may be exchanged at the ceremony. The prospective bride may purchase a ring for the inmate valued at no more than \$75.00.
4. Marriages shall be conducted in the Visiting Room during non-visiting hours.
5. The wedding party will be limited to one other inmate, one friend of the bride, two immediate family members of the bride, and two immediate family members of the inmate.
6. Conjugal visits or privileges are not allowed under any circumstance.
7. Marriages between co-defendants are not allowed until the cases of each of the involved inmates have been fully adjudicated.

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8. Marriages of juvenile inmates are prohibited unless extraordinary circumstances are present. In those unique cases, marriages will only be allowed with written permission from the Security Major and the inmate's parents/guardians.
9. "Same sex" marriages will not be approved unless specifically provided for in State law.

**C. Inmate Responsibilities:**

1. The inmate is required to procure a staff member to sponsor the marriage.
2. The prospective spouse will secure the marriage license.
3. If the inmate wants photographs he must make arrangements with the sponsor to have the Visiting Room Institutional Photographer present. Photos must be purchased with photo tickets.
4. The inmate shall arrange for a qualified person to conduct the marriage ceremony. Chaplains employed by, or affiliated with MSP, are not required to perform inmate marriages.

**D. Sponsor Responsibilities:**

1. The sponsor must complete a Special Events Form (available from the Unit Case Manager) and secure the proper signatures.
2. Once all arrangements are made, the completed form must be delivered to the Unit Case Manager at least ten working days prior to the ceremony. The form must contain the names and relationships of all persons involved.
3. The Unit Case Manager will review the form to ensure it is complete and have the sponsor deliver it to the Security Major.
4. Once approved, the Security Major will forward the form to the staff sponsor for distribution of copies to all concerned.
5. The sponsor must supervise the wedding ceremony on his/her own time, ensuring compliance with all institutional policies and regulations.
6. If the inmate wants photographs he must make arrangements with the sponsor to have the Visiting Room Institutional Photographer present. Photos must be purchased with photo tickets.
7. If the bride brings a ring for the inmate, the sponsor shall ensure that the inmate signs a Property Receipt (available from the Property Officer) for it, and shall forward them to the Property Officer for filing in the inmate's property file.

**E. Records:**

Once an approved marriage has taken place Records staff will adjust the Basic Information Sheet to reflect the inmate's current marital status.

**IV. CLOSING**

All questions concerning this operational procedure will be directed to the Security Major.

**V. ATTACHMENTS (none)**